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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|------------------------|---------------------|------------------|
| 10/822,153      | 04/09/2004  | Gregory A. Piccionelli | 39003.813US01       | 1182             |

7590 08/21/2007  
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| EXAMINER |
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JUNG, DAVID YIUK

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| ART UNIT | PAPER NUMBER |
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2134

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| MAIL DATE | DELIVERY MODE |
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08/21/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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# Office Action Summary

Application No.

10/822,153

Applicant(s)

PICCIONELLI ET AL.

Examiner

David Y. Jung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____                                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____   | 6) <input type="checkbox"/> Other: ____                           |

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## **DETAILED ACTION**

### **CLAIMS PRESENTED**

Claims 1-20 are presented.

### **PRIOR ART**

The art made of record and not relied upon is considered pertinent to applicant's disclosure. The art disclosed general background.

<http://www.doomsdaycurve.com/gapbio.html>

This reference mentions Gregory Piccionelli (same name as the first named inventor of this patent application). Mr. Piccionelli is stated as being, among others, a patent attorney and a pioneering attorney for adult entertainment. He is stated as one of the founders of SexBiz Legal Seminar.

<http://www.nysscpa.org/cpajournal/2003/0303/soon.htm> dates

<http://www.nysscpa.org/cpajournal/2003/0303/features/f032403.htm> as being from March, 2003. This shows that 2006 copyright applies only to the non-article aspects such as the layout of the article; the content and the substance date from March, 2003.

### **CLAIM REJECTIONS**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious

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at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zdnet (<http://news.zdnet.co.uk/hardware/0,1000000091,2123448,00.htm>) and Cpa <http://www.nysscpa.org/cpajournal/2003/0303/features/f032403.htm>.

Regarding claim 1, Zdnet teaches "A computer comprising

a) a processor, b) [ ] for determining the location of the computer, and c) control means for controlling the operation of the processor, the control means being in [ ] and controlling the operation of the processor in response to location information provided to the control means by [ ] (the next to last paragraph, discussion on remotely erasing data which is a controlling and handling location such as the remote location)."

These passages of Zdnet do not teach "position determining means and "communication with "the position determining means" in the sense of the claim. Cpa teaches "position determining means and communication with the position determining means (Section Security Procedures, such as the GPS discussion at the fourth paragraph)" for the motivation of security.

Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to modify Windows for the motivation noted in the previous paragraphs so as to teach the claimed invention.

2. The computer of claim 1 wherein the position determining means comprise a GPS locator.

See Cpa, Section Security Procedure.

3. The computer of claim 1 wherein the position determining means comprise an accelerometer.

--Cpa, Section Security Procedures, such as the GPS discussion at the fourth paragraph.

4. The computer of claim 1 wherein the control means prevents operation of the processor in response to location information provided by the position determining means that indicates that the location of the computer is outside of a preselected area.

--Zdnet, the next to last paragraph, discussion on remotely erasing data which is a controlling and handling location such as the remote location.

5. The computer of claim 1 further comprising a hard drive in communication with the processor.

--Zdnet, the next to last paragraph, discussion on remotely erasing data which is a controlling and handling location such as the remote location. A hard drive must exist in order for data to exist (otherwise, no data to erase).

6. The computer of claim 5 wherein the control means instructs the processor to prevent operation of the hard drive in response to location information provided by the position

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determining means that indicates that the location of the computer is outside of a preselected area.

--Zdnet, the next to last paragraph, discussion on remotely erasing data which is a controlling and handling location such as the remote location. A hard drive must exist in order for data to exist (otherwise, no data to erase).

7. The computer of claim 5 wherein the control means instructs the processor to at least partially erase the hard drive in response to location information provided by the position determining means that indicates that the location of the computer is outside of a preselected area.

--Zdnet, the next to last paragraph, discussion on remotely erasing data which is a controlling and handling location such as the remote location. A hard drive must exist in order for data to exist (otherwise, no data to erase).

Claims 8-9: such alarms are well known in the art for the motivation of security.

Claims 10-14: such authentication and identification are well known in the art for the motivation of security.

15. The computer of claim 11 further comprising a hard drive in communication with the processor.

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--Zdnet, the next to last paragraph, discussion on remotely erasing data which is a controlling and handling location such as the remote location. A hard drive must exist in order for data to exist (otherwise, no data to erase).

16. The computer of claim 15 wherein the control means instructs the processor to prevent operation of the hard drive upon failure of the identification means to identify the user as an authorized user.

--Zdnet, the next to last paragraph, discussion on remotely erasing data which is a controlling and handling location such as the remote location. A hard drive must exist in order for data to exist (otherwise, no data to erase).

17. The computer of claim 15 wherein the control means instructs the processor to at least partially erase the hard drive upon failure of the identification means to identify the user as an authorized user.

--Zdnet, the next to last paragraph, discussion on remotely erasing data which is a controlling and handling location such as the remote location. A hard drive must exist in order for data to exist (otherwise, no data to erase).

Claims 18-19: such alarms are well known in the art for the motivation of security.

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20. The computer of claim 1 which is a portable computer.

See Cpa, the first paragraph, which discusses laptops.

***Conclusion***

***Points of Contact***

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(571) 273-8300, (for formal communications intended for entry)

**Or:**

(571) 273-3836 (for informal or draft communications, please label "PROPOSED" or "DRAFT")



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Jung whose telephone number is (571) 272-3836 or Kambiz Zand whose telephone number is (272) 272-3811.

David Jung

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A handwritten signature in black ink, appearing to be 'DJ', with a long horizontal stroke extending to the right.

Patent Examiner

8/17/07